

Service Date: August 18, 1987

DEPARTMENT OF PUBLIC SERVICE REGULATION
BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MONTANA

* * * * *

IN THE MATTER OF the Application)	
of Fred's Towing & Crane, a towing)	DECLARATORY RULING
& recovery company, for a declara-)	
tory ruling on the applicability)	DOCKET NO. T-9047
of Section 69-12-102(1)(f), (1)(g),)	
MRC, to the towing industry.)	

On February 17, 1987 Fred Burgess, dba Fred's Towing & Crane, petitioned the Montana Public Service Commission for a declaratory ruling on §§ 69-12-102(1)(f) and (g), MCA, which exempt tow trucks and motor vehicles used exclusively in carrying junk vehicles from PSC regulation. Sections 69-12-102 (f) and (g) state:

(f) tow trucks and wreckers designed and exclusively used in towing abandoned, wrecked, or disabled vehicles or while these tow trucks and wreckers are rendering assistance to abandoned, wrecked, or disabled vehicles;

(g) motor vehicles used exclusively in carrying junk vehicles from a collection point to a motor vehicle wrecking facility or a motor vehicle graveyard;

Mr. Burgess asked this Commission to answer the following question: Whether a hydraulic trailer with built-in winches and axles that permit the truck bed to rest on the ground for a low loading point or a low back truck is considered a tow truck for the purposes of §§ 69-12-102(1)(f) and (g), MCA.

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The Commission determined that it would issue a declaratory ruling on this matter and notified interested parties on May 5, 1987. In that notice the Commission stated that it would accept comments on this matter but would not hold a public hearing on this petition unless requested. No comments or requests for hearing were received. The Commission considered this matter at a publicly scheduled worksession on July 31, 1987 and issues this ruling.

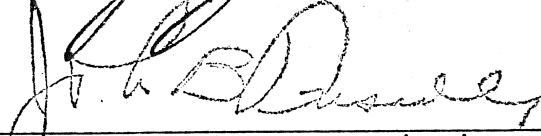
In his petition Mr. Burgess states that this equipment is primarily used to haul disabled units. It can also be used to haul motor homes, etc. It is this Commission opinion that to the extent that the equipment is used as a towing unit for disabled motor vehicles it is exempt. The Commission emphasizes that this equipment can also be used to haul heavy machinery, etc. This type of movement is not "towing abandoned, wrecked, or disabled vehicles" (69-12-102, MCA) and is not exempt.

Movement using this equipment is exempt from PSC regulation when it involves towing a motor vehicle as defined in 69-12-101, MCA, that is disabled. This means that the exemption only applies to the towing of self-propelled vehicles that are used for transportation over public highways.

APPROVED BY THE COMMISSION JULY 31, 1987.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION


CLYDE JARVIS, Chairman


JOHN B. DRISCOLL, Commissioner


HOWARD L. ELLIS, Commissioner


TOM MONAHAN, Commissioner


DANNY OBERG, Commissioner

ATTEST:


Ann Purcell
Acting Secretary

(SEAL)

NOTE: Any interested party may request that the Commission reconsider this decision. A motion to reconsider must be filed within ten (10) days. See 38.2.4806, ARM.

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